

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2309/PCT		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/GB2004/005329		International filing date (day/month/year) 17.12.2004	Priority date (day/month/year) 17.12.2003	
International Patent Classification (IPC) or national classification and IPC B60N2/28, B60R22/28, B60R22/48				
Applicant BRITAX EXCELSIOR LIMITED et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 16.06.2005		Date of completion of this report 09.11.2005		
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Lotz, K-D Telephone No. +49 89 2399- 		

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1, 2, 4, 8	as originally filed
3, 5, 6, 7	received on 22.12.2004 with letter of 20.12.2004

Claims, Numbers

1-20	as originally filed
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Drawings, Sheets

1/6-6/6	as originally filed
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- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-20
	No: Claims	
Inventive step (IS)	Yes: Claims	1-20
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

see separate sheet

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Reference is made in this written opinion to the following documents:

D1: EP 1 262 383 A D2: EP 1 247 704 A D3: US 5 749 601 A
D4: GB 2 349 615 A D5: EP 1 468 868 A

Re Item V

1. Inventive step of independent claim 16

- a) Documents D1 and D2 for instance can be considered as relevant **prior art** related to a seat belt tension indicator according to the features of independent claim 1.
- b) **The difference** of claim 1 over D1 or D2 is essentially that said indicator is combines within a resilient withdrawal of the belt the indication for correct belt installation and a deceleration limitation under further withdrawal of the belt.
- c) The **objective problem** resulting from such difference is to provide an improved attachment of child seat.
- d) The solution for the problem appears not obvious from D1 or D2 as no incentive can be found for a use of the features as claimed in combination by claim 1.

The subject matter of the independent **claim 1** of the present application appears therefore to **fulfill the requirement for inventive step** (Article 33(3) PCT).

- 2. **Dependent claims 2 - 20** disclose further useful features of the invention, therefor also fulfilling the requirements of PCT.
- 3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the **relevant background art** disclosed in the documents **D1 - D4 is not mentioned** in the description, nor are these documents identified therein. Figure 2 of D4 for instance is related to aspects as indicated in claim 20 and description page 8 of the present application which are not represented in the mentioned figure 13 of the application.

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4. The features of the claims are not provided with **reference signs** placed in parentheses (Rule 6.2(b) PCT).

Re Item VI

5. According to Rules 64.3 und 70.10 PCT it is referred to **D5** with a publication date of 20. October 2004 and a filing date of 02. April 2004.